

**ADOPTED REGULATORY AMENDMENTS TO THE
COASTAL PERMIT PROGRAM RULES , N.J.A.C. 7:7
FEBRUARY 2003**

I. INTRODUCTION

The Coastal Permit Program rules, N.J.A.C. 7:7 establish the procedures by which the Department reviews permit applications and appeals from permit decisions under the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., Waterfront Development Law, N.J.S.A. 12:5-3 and the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq. These rules contain the procedures for public participation in the coastal permitting process. These rules also set forth the Coastal General Permits. The Department applies the procedural process set forth in N.J.A.C. 7:7 when making coastal decisions. When making decisions on coastal permit applications, the Department uses the procedures in N.J.A.C. 7:7 and applies the substantive standards in the Coastal Zone Management rules at N.J.A.C. 7:7E regarding the use and development of coastal resources.

In February 2003, the Department readopted with amendments the Coastal Permit Program rules , N.J.A.C. 7:7. The Department is submitting to the Office of Ocean and Coastal Resource Management (OCRM) for incorporation into New Jersey's federally approved Coastal Management Program the amended rules listed below.

SUBCHAPTER 3- PRE-APPLICATION REVIEW

Purpose, N.J.A.C. 7:7-3.1 and Request for a pre-application review, N.J.A.C. 7:7-3.2.

SUBCHAPTER 4- PERMIT REVIEW PROCEDURE

Application contents, N.J.A.C. 7:7-4.2.

The Department considers the amended rules submitted herein, to constitute a "Routine Program Change" of the New Jersey Coastal Management Program. Pursuant to 16 U.S.C. 1455(e), a program change is any amendment, modification, or other change to a federally approved CMP. Routine Program Changes are a further detailing of a state Coastal Management Program that do not result in a substantial change to one or more of the five program approvability areas (15 C.F.R. 923, Subparts B through F). These include: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and (5) coordination, public involvement and national interest. Since the amendments to the Coastal Zone Management rules result in a change to New Jersey's enforceable policies, the Department is submitting these rule amendments as "Routine Program Changes" to OCRM for their review, approval and incorporation into New Jersey's federally approved Coastal Management Program.

II. FORMAT OF SUMMARY AND ANALYSIS OF RULEMAKING ACTIONS

Each rule analysis is broken into three sections:

A. Changes to existing rule text as approved by OCRM: This section contains a comparison of the existing rule text currently approved by OCRM with the rule changes subject to this program change submission identified, insertions are in boldface **thus**, and deletions in brackets and strikethrough [~~thus~~].;

B. New rule text subject to RPC: This section contains the new rule text subject to the RPC; and

C. Description and analysis of change: This section describes and analyzes the rule changes.

Subchapter 3. PRE-APPLICATION REVIEW

N.J.A.C. 7:7-3.1 Purpose

Changes to existing rule as approved by OCRM

(a) A pre-application review is an optional service especially recommended for major development. **Pre-application meetings are however, mandatory for coastal permit applications involving the installation of submarine cables in the Atlantic Ocean.** At this review the Department will discuss apparent strengths and weaknesses of the proposed development, as well as the procedures and policies that would apply to the particular development. The review is intended to provide guidance and does not constitute a commitment to approve or deny a permit application for the development.

New rule text subject to RPC

(a) A pre-application review is an optional service especially recommended for major development. Pre-application meetings are however, mandatory for coastal permit applications involving the installation of submarine cables in the Atlantic Ocean. At this review the Department will discuss apparent strengths and weaknesses of the proposed development, as well as the procedures and policies that would apply to the particular development. The review is intended to provide guidance and does not constitute a commitment to approve or deny a permit application for the development.

Description and analysis of change:

N.J.A.C. 7:7E-3.1 sets forth the purpose of pre-application reviews. N.J.A.C. 7:7-3.1(a) has been amended to require that pre-application reviews for potential applications involving the installation of submarine cables in the Atlantic Ocean be mandatory. This amendment was recommended by the Cable Task Force. This Task Force was developed by the Commissioner of the Department pursuant to Administrative Order #2000-07 in response to an increased number of applications and pre-application requests for the installation of submarine cables in the Atlantic Ocean. The Task Force was charged with recommending guidelines for the installation of submarine cables to minimize conflicts with coastal fisheries. Because the design of potential cable routes must consider means to minimize the impacts associated with the crossing of existing cables on the commercial fishing industry, this meeting will initiate the coordination process with the Department and the commercial fishing industry.

N.J.A.C. 7:7-3.2 Request for pre-application review

Changes to rule text as approved by OCRM

(a) Potential applicants for major projects, **other than the installation of submarine cables in the Atlantic Ocean,** are encouraged to request a pre-application review with the Department at the earliest opportunity. A request for a pre-application review shall be made in writing and shall include a conceptual proposal for the proposed development.

1. (No change in rule text.)

(b) Potential applicants for the installation of submarine cables in the Atlantic Ocean shall schedule the pre-application review early in the design process. A request for a pre-application review shall be made in writing and include a written description of the proposed project along with a NOAA nautical chart depicting potential cable routes in relationship to existing cable routes. All pre-application review requests for the installation of submarine cables shall be submitted to the Manager of the Department's Bureau of Coastal Regulation, P.O. Box 439, Trenton, New Jersey, 08625-0439.

~~[(b)]~~**(c)** The Department shall, within 10 days of receipt of such request, schedule a pre-application conference. Alternatively, the Department may suggest a telephone conversation if only a small number of relatively straightforward issues need discussion. A pre-application review will not be considered a declaration of intent to submit an application to the Department ~~[as defined in N.J.A.C. 7:1C-1.3 of the 90-Day Construction Permit rules.]~~

(d) For pre-application conferences involving the installation of submarine cables in the Atlantic Ocean, written notice of the pre-application meeting shall be provided by the potential applicant to the organizations listed at (d)1 through 7 below, a minimum of 15 days prior to the date of the scheduled meeting. The written notice shall include the date, time and location of the pre-application meeting and a copy of the applicable NOAA nautical chart depicting the proposed cable route.

- 1. Garden State Seafood Association;**
- 2. National Fisheries Institute;**
- 3. North Atlantic Clam Association,**
- 4. Rutgers Cooperative Extension;**
- 5. New Jersey Shellfisheries Council;**
- 6. New Jersey Marine Fisheries Council; and**
- 7. Commercial Fishing Communications Association.**

New rule text subject to RPC

(a) Potential applicants for major projects, other than the installation of submarine cables in the Atlantic Ocean, are encouraged to request a pre-application review with the Department at the earliest opportunity. A request for a pre-application review shall be made in writing and shall include a conceptual proposal for the proposed development.

1. The conceptual proposal shall include:
 - i. A written description of the site and the proposed development including the dimensions, number, and uses of proposed structures;
 - ii. Maps indicating the site's location and rough internal plan of development' and
 - iii. A tax lot and block designation of the site and a United State Geological Survey quadrangle map or county road map showing the site.

(b) Potential applicants for the installation of submarine cables in the Atlantic Ocean

shall schedule the pre-application review early in the design process. A request for a pre-application review shall be made in writing and include a written description of the proposed project along with a NOAA nautical chart depicting potential cable routes in relationship to existing cable routes. All pre-application review requests for the installation of submarine cables shall be submitted to the Manager of the Department's Bureau of Coastal Regulation, P.O. Box 439, Trenton, New Jersey, 08625-0439.

(c) The Department shall, within 10 days of receipt of such request, schedule a pre-application conference. Alternatively, the Department may suggest a telephone conversation if only a small number of relatively straightforward issues need discussion. A pre-application review will not be considered a declaration of intent to submit an application to the Department.

(d) For pre-application conferences involving the installation of submarine cables in the Atlantic Ocean, written notice of the pre-application meeting shall be provided by the potential applicant to the organizations listed at (d)1 through 7 below, a minimum of 15 days prior to the date of the scheduled meeting. The written notice shall include the date, time and location of the pre-application meeting and a copy of the applicable NOAA nautical chart depicting the proposed cable route.

1. Garden State Seafood Association;
2. National Fisheries Institute;
3. North Atlantic Clam Association,
4. Rutgers Cooperative Extension;
5. New Jersey Shellfisheries Council;
6. New Jersey Marine Fisheries Council; and
7. Commercial Fishing Communications Association.

Description and analysis of change:

N.J.A.C. 7:7-3.2 sets forth the information necessary when requesting a pre-application review. N.J.A.C. 7:7-3.2(a) has been amended to make it clear that pre-application review of these potential applications for the installation of submarine cables in the Atlantic Ocean are not discretionary. N.J.A.C. 7:7E-3.2(b) sets forth the information requirements for a pre-application review for potential applications involving the installation of submarine cables. The pre-application review for submarine cable installation in the Atlantic Ocean must be initiated early in the design process in order to minimize the impacts associated with the crossing of existing cables. The information necessary for a pre-application conference for submarine cables is found at N.J.A.C. 7:7-3.2(b) and is in the form of a written description of the proposed project along with a NOAA nautical chart depicting potential cable routes in relationship to existing cable routes. N.J.A.C. 7:7-3.2(b) also requires that pre-application review requests for the installation of submarine cables in the Atlantic Ocean be sent to the attention of the

Manager of the Department's Bureau of Coastal Regulation.

N.J.A.C. 7:7-3.2(b) which explained the scheduling process for pre-application reviews and provided that a pre-application review would not be considered a declaration of intent to submit an application to the Department, was recodified as N.J.A.C. 7:7-3.2(c) and amended to delete the cross-reference to N.J.A.C. 7:1C-1.3, Pre-Application Review since it is no longer necessary.

For pre-application conferences involving the installation of submarine cables in the Atlantic Ocean only, N.J.A.C. 7:7-3.2(d) requires that written notice be provided by the potential applicant to specific organizations listed at N.J.A.C. 7:7-3.2(d) 1 through 7. These organizations include the Garden State Seafood Association, National Fisheries Institute, North Atlantic Clam Association, Rutgers Cooperative Extension, New Jersey Shellfisheries Council, New Jersey Marine Fisheries Council, and Commercial Fishing Communications Association. The notice must be provided to these organizations a minimum of 15 days prior to the meeting and shall consist of a narrative listing the time, date and location of the pre-application meeting and a copy of the NOAA Nautical chart depicting the proposed cable route. This notice is intended to foster discussion between the cable and fishing industries early in the cable route design.

Subchapter 4. PERMIT REVIEW PROCEDURES

N.J.A.C. 7:7-4.2 Application contents

Changes to rule text as approved by OCRM

(a) Individual waterfront development, wetland and CAFRA permit application submissions shall comply with (a) through (f) below. Individual CAFRA permit applicants must also provide public notice in the newspaper of an application submission to the Department in accordance with N.J.A.C. 7:7-4.3, Newspaper notice of application submission and availability of application for examination by the public. The submission requirements for the coastal general permits are found at N.J.A.C. 7:7-7.3, Application procedure for a coastal general permit authorization.

1. (No change in rule text.)

2. A check, money order, or government voucher **made payable to the "Treasurer, State of New Jersey-Environmental Services Fund"** in the amount of the appropriate fee [(see N.J.A.C. 7:1C-1.5)] **as set forth at N.J.A.C. 7:7-10;**

3. Verification (white certified mailing receipt or other written receipt is required) that three complete copies of the application package have been submitted to the clerk of the municipality in which the proposed development would occur, including a letter requesting that the clerk distribute one copy to the planning board and one copy to the environmental commission. The third copy shall be maintained in the clerk's office.

i. Applications for CAFRA permits within the Pinelands Preservation Area or Protection Area must also contain verification that a complete copy of the application package has

been submitted to the Pinelands Commission.

ii. Applications for a waterfront development permit for installing a submarine cable or sand mining in the ocean must also contain verification that a certified mail notice (white mailing receipt or other written receipt is acceptable) and a copy of the site plan and completed LURP application form have been forwarded to the organizations listed at (a)3ii(1) through (7) below. The site plan referred to in this subsection shall be a NOAA nautical chart depicting the proposed cable route or limits of the proposed sand mining area. The language of the public notice shall read as found at (a)4 below and a copy of the public notice shall be included in the application to the Department.

(1)Garden State Seafood Association;

(2) National Fisheries Institute;

(3) North Atlantic Clam Association,

(4) Rutgers Cooperative Extension;

(5)New Jersey Shellfisheries Council;

(6) New Jersey Marine Fisheries Council; and

(7) Commercial Fishing Communications Association.

4. Verification that a certified mail notice (white mailing receipt or other written receipt is acceptable) and a copy of the site plan and completed LURP application form have been forwarded to the construction official of the municipality in which the proposed development would occur, to the planning board and environmental commission of the county in which the proposed development would occur, and to all owners of real property, including easements as shown on the tax duplicate, within 200 feet of the property or properties on which the proposed development would occur, along with a **list** certified **by the municipality, [list]** of all owners of real property, including easements as shown on the tax duplicate, within 200 feet.~~[, except as described]~~ **Exceptions to the required notice to all owners of real property within 200 feet of the property or properties on which the proposed development would occur are found** at (a)4i through iv below. The site plan referred to in this subsection need not include a full set of plans, but must depict the proposed development in relationship to existing site conditions. This plan may be on an 8 1/2 inch by 11 inch sheet of paper provided it generally depicts the proposed development and the general and site specific location. The public notice shall read as follows and a copy shall be included in the application to the Department:

"This letter is to provide you with legal notification that an application will be submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a permit for the development shown on the enclosed plan.

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the Department's Trenton office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this letter to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
attn: (Municipality in which property is located) Section Chief";

i. – ii. (No change in rule text.)

iii. A waterfront development or wetlands permit application for a linear development of one-half mile or more in length, or a shore protection development including beach nourishment, beach and dune maintenance, or dune creation of one-half mile or more in length shall be subject to public notice in the official newspaper of the municipality or in a newspaper of general circulation in the municipality if there is no official newspaper(s). This newspaper notice shall be published as a display advertisement of at least 4 inches in width. Such an application shall also include verification that a certified mail notice (white mailing receipt or other written receipt is acceptable) and a copy of the site plan and completed LURP application form have been forwarded to all owners of real property, including easements as shown on the tax duplicate, within 200 feet of a proposed above ground structure related to the linear development or shore protection development such as a pump station or treatment plant, groin, bulkhead, revetment or gabion, rather than to all owners of real property, including easements as shown on the tax duplicate, within 200 feet of the property or properties on which the proposed development would occur. **Such an application shall also contain a list, certified by the municipality, of all owners of real property, including easements as shown on the tax duplicate, within 200 feet of an above ground structure.** The site plan referred to in this subsection need not include a full set of plans, but must depict the proposed development in relationship to existing site conditions. This plan may be on an 8 1/2 inch by 11 inch sheet of paper provided it generally depicts the proposed development and the general and site specific location. **The language of the public notice shall read as found at (a)4 above and a copy shall be included in the application to the Department;**

iv. (No change in rule text.)

5. (No change in rule text.)

6. All coastal permit applications shall include the state plane coordinates for a point at the approximate center of the site, except as provided at (a)6i and ii below. The accuracy of the state plane coordinates shall be within 50 feet of the actual center point of the site. For assistance in determining the state plane coordinates for a site contact the Department's Geographic Information (GIS) Office at (609)777-0672.

i. State plane coordinates are not required as part of an application for development at a single family home or duplex lot that is not part of a larger development.

ii. For a linear development or shore protection development including beach nourishment, beach and dune maintenance or dune creation, the state plane coordinates shall be provided in accordance with (a)6ii(1) or (2) below.

(1) For a linear development of one-half mile or more in length, or a shore protection development including beach nourishment, beach and dune maintenance or dune creation of one-half mile or more in length, the state plane coordinates shall include the coordinates for the end points of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development; or

(2) For a linear development of less than one-half mile in length, or shore protection development including beach nourishment, beach and dune maintenance or dune creation of one-half mile or less, the state plane coordinates shall include the coordinates for the end points of the development.

~~[6-]~~ **7.** Fifteen copies of development plans. (Plans must be folded to no larger than 8 1/2 inches by 11 inches in size.)

i. – ii. (No change in text.)

~~[7-]~~ **8.** Copies of an Environmental Impact Statement (EIS) or Compliance Statement, prepared in accordance with N.J.A.C. 7:7-6, as follows:

i. – ii. (No change in text.)

~~[8-]~~ **9.** Applications for development in an area under the jurisdiction of ~~the~~ Pinelands Commission must also submit either a Certificate of Filing, ~~a~~ Notice of Filing, ~~[or]~~ a Certificate of ~~[Compliance]~~ **Completeness, or a resolution approving an application for public development** from the Pinelands Commission along with the other required application materials; and

~~[9-]~~ **10.** Any additional information requested by the Department to clarify or provide further information regarding information already submitted on the proposed development.

New rule text subject to RPC

(a) Individual waterfront development, wetland and CAFRA permit application submissions shall comply with (a) through (f) below. Individual CAFRA permit applicants must also provide public notice in the newspaper of an application submission to the Department in accordance with N.J.A.C. 7:7-4.3, Newspaper notice of application submission and availability of application for examination by the public. The submission requirements for the coastal general permits are found at N.J.A.C. 7:7-7.3, Application procedure for a coastal general permit authorization.

1. A completed LURP application form for the type of permit being applied for;
 2. A check, money order, or government voucher made payable to the “Treasurer, State of New Jersey-Environmental Services Fund” in the amount of the appropriate fee as set forth at N.J.A.C. 7:7-10;
 3. Verification (white certified mailing receipt or other written receipt is required) that three complete copies of the application package have been submitted to the clerk of the municipality in which the proposed development would occur, including a letter requesting that the clerk distribute one copy to the planning board and one copy to the environmental commission. The third copy shall be maintained in the clerk’s office.
- i. Applications for CAFRA permits within the Pinelands Preservation Area or Protection Area must also contain verification that a complete copy of the application package has been submitted to the Pinelands Commission.
 - ii. Applications for a waterfront development permit for installing a submarine cable or sand mining in the ocean must also contain verification that a certified mail notice (white mailing receipt or other written receipt is acceptable) and a copy of the site plan and completed LURP application form have been forwarded to the organizations listed at (a)3ii(1) through (7) below. The site plan referred to in this subsection shall be a NOAA nautical chart depicting the proposed cable route or limits of the proposed sand mining area. The language of the public notice shall read as found at (a)4 below and a copy of the public notice shall be included in the application to the Department.

(1) Garden State Seafood Association;

(2) National Fisheries Institute;

(3) North Atlantic Clam Association,

(4) Rutgers Cooperative Extension;

(5) New Jersey Shellfisheries Council;

(6) New Jersey Marine Fisheries Council; and

(7) Commercial Fishing Communications Association.

4. Verification that a certified mail notice (white mailing receipt or other written receipt is acceptable) and a copy of the site plan and completed LURP application form have been forwarded to the construction official of the municipality in which the proposed development would occur, to the planning board and environmental commission of the county in which the proposed development would occur, and to all owners of real property, including easements as shown on the tax duplicate, within 200 feet of the property or properties on which the proposed development would occur, along with a list certified by the municipality, of all owners of real property, including easements as shown on the tax duplicate, within 200 feet. The list of property owners certified by the municipality shall be no more than one year old. The list of property owners certified by the municipality shall be no more than one year old. Exceptions to the required notice to all owners of real property within 200 feet of the property or properties on which the proposed development would occur are found at (a)4i through iv below. The site plan referred to in this subsection need not include a full set of plans, but must depict the proposed development in relationship to existing site conditions. This plan may be on an 8 1/2 inch by 11 inch sheet of paper provided it generally depicts the proposed development and the general and site specific location. The public notice shall read as follows and a copy shall be included in the application to the Department:

"This letter is to provide you with legal notification that an application will be submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a permit for the development shown on the enclosed plan.

The complete permit application package can be reviewed at either the municipal clerk's office or by appointment at the Department's Trenton office. The Department of Environmental Protection welcomes comments and any information that you may provide concerning the proposed development and site. Please submit your written comments within 15 days of receiving this letter to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
PO Box 439
501 East State Street
Trenton, New Jersey 08625-0439
attn: (Municipality in which property is located) Section Chief";

i. Notice to all owners of real property, including easements as shown on the tax duplicate, within 200 feet of the property or properties on which the proposed development would occur is not required for individual CAFRA applications at the time the application is submitted. Instead notice shall be provided in accordance with the notice requirements for a public hearing or for a public comment period, whichever is applicable. The notice requirements for a public hearing are set forth at N.J.A.C. 7:7-

4.5(f). The notice requirements for a public comment period are set forth at N.J.A.C. 7:7-4.5(g) (for general permit application requirements see N.J.A.C. 7:7-7.3).

ii. Notice to all owners of real property, including easements as shown on the tax duplicate, within 200 feet of the property or properties on which the proposed development would occur is not required at the time an application is first submitted for a Waterfront Development or Wetlands permit, if a public hearing will be held pursuant to N.J.A.C. 7:7-4.5(a). Notice shall instead be provided in accordance with the requirements for notice of a public hearing set forth at N.J.A.C. 7:7-4.5(f).

iii. A waterfront development or wetlands permit application for a linear development of one-half mile or more in length, or a shore protection development including beach nourishment, beach and dune maintenance, or dune creation of one-half mile or more in length shall be subject to public notice in the official newspaper of the municipality or in a newspaper of general circulation in the municipality if there is no official newspaper(s). This newspaper notice shall be published as a display advertisement of at least 4 inches in width. Such an application shall also include verification that a certified mail notice (white mailing receipt or other written receipt is acceptable) and a copy of the site plan and completed LURP application form have been forwarded to all owners of real property, including easements as shown on the tax duplicate, within 200 feet of a proposed above ground structure related to the linear development or shore protection development such as a pump station or treatment plant, groin, bulkhead, revetment or gabion, rather than to all owners of real property, including easements as shown on the tax duplicate, within 200 feet of the property or properties on which the proposed development would occur. Such an application shall also contain a list, certified by the municipality, of all owners of real property, including easements as shown on the tax duplicate, within 200 feet of an above ground structure. The list of property owners certified by the municipality shall be no more than one year old. The site plan referred to in this subsection need not include a full set of plans, but must depict the proposed development in relationship to existing site conditions. This plan may be on an 8 1/2 inch by 11 inch sheet of paper provided it generally depicts the proposed development and the general and site specific location. The language of the public notice shall read as found at (a)4 above and a copy shall be included in the application to the Department;

iv. For a Waterfront Development or wetlands application, for additional development proposed on the site of an existing industrial facility of at least 100 acres in size or park facility of at least 50 acres in size, the Department may at its discretion eliminate, modify or reduce the requirement for individual notice to owners of real property, including easements as shown on the tax duplicate, depending on the scope, location and anticipated impacts of the proposed development. For example, an applicant proposing to construct a salt dome or guard shack at an industrial facility located greater than 500 feet from adjacent properties would be required to provide notice in a newspaper of general circulation instead of notifying all owner's of real property, including easements as shown on the tax duplicate within 200 feet. Similarly, an applicant proposing to construct tennis courts located on one side of a 200 acre park facility would be required to notice only those property owners within the vicinity of the proposed tennis court.

5. Photographs showing the specific location of the proposed development taken from a minimum of four different locations and labeled as to orientation.

6. All coastal permit applications shall include the State plane coordinates for a point at the approximate center of the site, except as provided at (a)6i and ii below. The accuracy of the State plane coordinates shall be within 50 feet of the actual center point of the site. For assistance in determining the State plane coordinates for a site, contact the Department's Geographic Information (GIS) Office at (609)777-0672.

i. State plane coordinates are not required as part of an application for development at a single family home or duplex lot that is not part of a larger development.

ii. For a linear development or shore protection development including beach nourishment, beach and dune maintenance or dune creation, the State plane coordinates shall be provided in accordance with (a)6ii(1) or (2) below.

(1) For a linear development of one-half mile or more in length, or a shore protection development including beach nourishment, beach and dune maintenance or dune creation of one-half mile or more in length, the State plane coordinates shall include the coordinates for the end points of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development; or

(2) For a linear development of less than one-half mile in length, or shore protection development including beach nourishment, beach and dune maintenance or dune creation of one-half mile or less, the State plane coordinates shall include the coordinates for the end points of the development.

7. Fifteen copies of development plans. (Plans must be folded to no larger than 8 1/2 inches by 11 inches in size.)

i. For CAFRA and Waterfront Development applications for activities occurring landward of the mean high water line, and for Wetlands applications for activities other than catwalks, docks and piers:

(1) The set of plans must include, but not be limited to, the following information:

(A) All existing structures, roads, utilities, topography, vegetation, and coastal and freshwater wetlands, and any proposed structures, filling, grading, excavation, clearing, roads, utilities, sewers, landscaping and lighting, and soil erosion and sediment control devices.

(B) Any additional information specified in the "Checklist for Administrative Completeness for Waterfront Development, Tidal Wetlands, and CAFRA".

(2) Plans for any development consisting of more than one single family dwelling or duplex must be signed and sealed by a Professional Engineer or Land Surveyor. Plans for activities proposed on public park lands may be prepared, signed and sealed by a State

Certified Landscape Architect instead of a Professional Engineer or Land Surveyor.

ii. For Waterfront Development applications for activities occurring below the mean high water line and for Wetlands applications for catwalks, docks or piers:

(1) The set of plans must include, but not be limited to, the following information specified in the "Checklist for Administrative Completeness for Waterfront Development, Tidal Wetlands, and CAFRA":

(A) The lot;

(B) All existing waterfront structures (piers, bulkheads, pilings, etc.) on the lot and all immediately adjacent lots;

(C) Locations and dimensions of structures, lots, wetlands, mean high water line, upland property, road and utilities;

(D) The proposed work area and construction/development area clearly labeled and showing all distances and dimensions;

(E) The general site location of the development, which may be on a county or local road map or an insert from a U.S. Geological Survey topographic quadrangle map;

(F) The scale of the survey or map, and a north arrow;

(G) The name of the person who prepared the plan and the date it was prepared;

(H) The name of the applicant, lot and block number, and municipality, leaving a margin of one inch on the top and left hand sides of the plan; and

(I) The location of upper and lower wetlands boundary. The "upper" wetlands boundary refers to the upland or landward limit of wetlands, and the "lower" wetlands boundary refers to the waterward limit of wetlands.

(2) Dredging plans must show the area to be dredged, existing depth, proposed depth, adjacent depths, the amount of material to be dredged, the method of dredging, the exact location of the dredge material dewatering and disposal site by municipal block and lot, and the means of containing spoils. A dredge material analysis may also be required.

(3) Dock plans must show channel location, depths at mean low water outshore of the dock for a distance of at least 100 feet (excluding lagoons), location and orientation of proposed mooring areas, mooring area depths at mean low water, including the method, time and date of soundings, cross sections of the dock including height and width of any wetland crossing(s).

(4) Development plans for activities in an area subject to a tidelands instrument shall be prepared and sealed by a professional engineer or land surveyor, and must depict the limits of the Tidelands instrument. All activities in areas except man-made lagoons are subject to this requirement. Development plans for activities in man-made lagoons do not have to be prepared by a professional engineer, unless required by N.J.S.A. 45:8-27 et seq.

8. Copies of an Environmental Impact Statement (EIS) or Compliance Statement, prepared in accordance with N.J.A.C. 7:7-6, as follows:

- i. CAFRA permit applications shall include 15 copies. The applicant may submit either 15 complete copies with all attachments and appendices or may submit five complete copies of the EIS along with 10 additional copies, one of which shall have appended thereto only an archaeological survey, if appropriate; and one of which shall have appended thereto only a traffic analysis if appropriate.
- ii. Waterfront Development and Wetlands applications shall include 10 copies of a Compliance Statement with the Rules on Coastal Zone Management, N.J.A.C. 7:7E, prepared in accordance with N.J.A.C. 7:7-6. This Statement of Compliance shall address all coastal rules applicable to the proposed project;

9. Applications for development in an area under the jurisdiction of Pinelands Commission must also submit either a Certificate of Filing, Notice of Filing, a Certificate of Completeness, or resolution approving an application for public development from the Pinelands Commission along with the other required application materials; and

10. Any additional information requested by the Department to clarify or provide further information regarding information already submitted on the proposed development.

Description and analysis of change:

N.J.A.C. 7:7-4.2(a) describes the application contents for a coastal permit application. N.J.A.C. 7:7-4.2(a)2 requires the application submittal include a check, money order, or government voucher in the amount of the appropriate fee in accordance with N.J.A.C. 7:1C-1.5(g). The Ninety-Day Construction Permits rules at N.J.A.C. 7:7-7:1C-1.5(g) require that all fees be made payable to the “Treasurer of the State of New Jersey-Environmental Services Fund. N.J.A.C. 7:7-4.2(a)2 has been amended to specify to whom the check, money or, or government voucher shall be made payable. Further, it is that N.J.A.C. 7:7-4.2(a) has been amended to replace the existing cross-reference to the fees section of the Ninety-Day Construction Permits rules with reference to new N.J.A.C. 7:7-10 which contains the coastal permit fee structure.

The notice requirements at N.J.A.C. 7:7-4.2(a)3 have been amended to add a new requirement at N.J.A.C. 7:7-4.2(a)3ii pertaining to waterfront development permits for installing submarine cables or sand mining in the ocean. In addition to sending three complete copies of the application to the municipal clerk, verification that a copy of the site plan and completed LURP application form have been sent to organizations specified

at N.J.A.C. 7:7-4.2(a)3ii(1) through (7) is required. For the purposes of this notice requirement, the site plan shall be a NOAA Nautical Chart depicting the proposed cable route or limits of the proposed sand mining area. Commercial fisheries such as surf clams and ocean quahog fisheries, are likely to have a substantial interest in these projects. Since representatives of these fisheries do not typically receive individual notice of a pending application for these activities that could have an impact on their industry, the Department has added the notice requirements described above. This notice requirement was a result of the Cable Task Force. The new notice requirements ensure that the affected parties have been afforded the opportunity to participate in the public process set forth in this section.

In addition to adding the notice requirements at N.J.A.C. 7:7-4.2(a)3ii, the existing requirement that a complete copy of the application package be sent to the Pinelands Commission has been recodified as N.J.A.C. 7:7-4.2(a)3i with no changes in text.

The notice requirements for property owners and county agencies at N.J.A.C. 7:7-4.2(a)4 have been amended to clarify that the provisions of (a)4i through iv are the exceptions to the individual property owner notice requirements contained in this paragraph and not exceptions to the county agency notification requirements. In addition, for the reasons discussed in the summary of changes to N.J.A.C. 7:7-4.2(a)4, the Department has specified that the certified list of property owners within 200 feet of the subject property must be certified by the municipality and shall be no more than one year old.

To eliminate confusion, N.J.A.C. 7:7-4.2(a)4iii was amended to specify that the language of the public notice is found at (a)4, and that a copy of the public notice language must be submitted to the Department as part of the coastal permit application.

N.J.A.C. 7:7-4.2(a)6 requires that all coastal permit applications for individual permits include the state plane coordinates for the approximate center point of the site except for applications for development at a single family or duplex property. For linear developments or shore protection developments including beach nourishment, beach and dune maintenance or dune creation of one-half mile or more in length, N.J.A.C. 7:7-4.2(a)6ii(1) requires that the state plane coordinates be provided for the end points of the development and the coordinates for points located at 1,000 foot intervals along the entire length of the development. For linear developments or shore protection developments including beach nourishment, beach and dune maintenance or dune creation of one-half mile or less, N.J.A.C. 7:7-4.2(a)6ii(2) requires that the state plane coordinates be provided for the end points of the development. N.J.S.A. 51:3-7 provides that the official survey base for New Jersey is a system of plane coordinates also known as New Jersey State Plane Coordinates with measurements in meters in North American Datum of 1983 or the most recently published adjustment by the National Geodetic Survey. State plane coordinates provide the geographic location of any physical feature of the State, similar in concept to that of degrees Latitude or Longitude. By requiring the center point coordinates of a site, or coordinates every 1000 feet for linear developments over 2000 feet in length, the Department will be able to accurately identify the mitigation site using the Geographic Information System (GIS).

N.J.A.C. 7:7-4.2(a)8 (recodified as N.J.A.C. 7:7-4.2(a)9) contains a requirement that any application for development in an area under the jurisdiction of the Pinelands Commission submit either a Certificate of Filing, Notice of Filing, or a Certificate of Compliance from the Pinelands Commission. This provision is intended to ensure that the Department coordinates its review with the Pinelands Commission, and that it does not deem any application requiring the approval of the Pinelands Commission complete until that application has been deemed complete by the Pinelands Commission, as required by N.J.A.C. 7:50-4.81(b). The terms "Certificate of Filing," "Notice of Filing" and "Certificate of Completeness" are used in conjunction with applications for private development and certain applications for public development that have been deemed complete by the Pinelands Commission. "Certificate of Filing" and "Notice of Filing" are the documents issued when the Pinelands Commission deems an application complete that involves development in a municipality that has received certification of its master plan and land use ordinances by the Pinelands Commission. N.J.A.C. 7:7-4.2(a)8 was recodified as N.J.A.C. 7:7-4.2(a)9 and amended to replace the term "Certificate of Compliance" with "Certificate of Completeness." "Certificates of Completeness" are the documents currently being issued when the Pinelands Commission deems an application complete that involves development in a municipality that has not received certification of its master plan or land use ordinances by the Pinelands Commission. The phrase "a resolution approving an application for public development" was added for public projects that have been approved by the Pinelands Commission.

In summary, the changes to the Coastal Permit Program Rules are changes to the following program approvability areas: authorities and organization and coordination, public involvement, and the national interest. The amendments described above, the provide for greater public participation in the decision making process by furthering the Department's efforts to better coordinate with applicants, state and Federal agencies. In February 2003, the Coastal Permit Program rules were amended to require that pre-application reviews for potential applications involving the installation of submarine cables in the Atlantic Ocean be mandatory. Because the design of potential cable routes must consider means to minimize the impacts associated with the crossing of existing cables on the commercial fishing industry, this meeting will initiate the coordination process with the Department and commercial fishing industry. The application requirements of the Coastal Permit Program rules were further amended to require notice of applications for submarine cables and sand mining operations in the Atlantic Ocean be provided to seven organizations representing commercial fishing interests. Commercial fisheries such as surf clams and ocean quahog fisheries are likely to have a substantial interest in these projects and have provided substantial input on these projects during the permit review process. Since representatives of these industries do not typically receive individual notice of a pending application for these activities that could have an impact on their industry, the Department has added the notice requirement described above, to ensure that they are notified early in the permitting process where their input is most effective. The new notice requirement will ensure that the affected parties have been afforded the opportunity to participate in the public process set forth in the rules. As such, the Department considers the amendments to the Coastal Permit Program rules to

be a further refinement of the New Jersey Coastal Management Program's procedures for coordination and public participation in the permitting process and consistency determinations. In addition, these changes preserve the national interest in providing for adequate consideration of the use of minerals, use of natural resources in New Jersey's coastal zone, and protection of living marine resources.